**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.478 OF 2007**
**IN**
**CRIMINAL APPEAL NO.1123 OF 2006**

Shri.Samir Balasaheb Awati .. Applicant
V/s
State of Maharashtra .. Respondent

Mr.J.M.Puranik for the Applicant.
Mr.I.R.Shaikh, APP for State.

**CORAM : DR.S.RADHAKRISHNAN, &**
**SMT.R.S.DALVI, JJ.**

**DATE : 2nd July, 2007.**

**P.C.:**

1. Heard the learned Counsel for the Applicant and the learned APP for the State. This is a case of dowry burning. The Applicant Accused has applied for bail. The Applicant Accused is in the custody right from the time he was arrested i.e.13th July, 2005 and he has been convicted on 27th September, 2006. Appeal has been admitted by this Court on 15th December, 2006.

2. Perused the trial Court's judgment as well as the evidenced on record. The main objection sought to be raised by the learned Counsel for the Applicant is that the learned Sessions Judge committed a grave illegality by visiting the hospital where the deceased victim was admitted. According to the learned Counsel for the Applicant, such an act of the learned Sessions Judge of visiting the hospital demonstrates the vindictive and biased attitude.

3. We do not find any substance in the aforesaid contention of the learned Counsel for the Applicant. It appears that the learned Sessions Judge visited the hospital to verify the location as there were two dying declarations, and as such, the contention of the learned Counsel for the Applicant that the learned Sessions Judge adopted vindictive and biased attitude cannot be accepted.

4. We have perused the Trial Court's judgment and the reasonings and we prima-facie find that the conviction is based on legal evidence.

5. We do not find any special ground made out for grant of bail, especially when there is a conviction and the Applicant was not granted bail during trial. Having regard to the facts and circumstances of the case and in view of the fact that the Applicant has already been convicted and is in custody from 13th July, 2005, we are not inclined to grant him bail. Hence, the Criminal Application stands dismissed.

6. Hearing of the Appeal is expedited.

**(SMT.R.S.DALVI, J.)** **(DR.S.RADHAKRISHNAN,J.)**